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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,155	03/19/2004	Christopher D. Russo	81207/7114	8639
37123	7590	10/20/2006	EXAMINER	
FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			WRIGHT, INGRID D	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,155

Applicant(s)

RUSSO, CHRISTOPHER D.

Examiner

Ingrid Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/2/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota US

5666713. Note: See notation on attached fig. 1 of Kubota for elements representing claimed limitations in the instant application.

With respect to claim 8, Kubota teaches an apparatus of a prior art reference comprising: a first chassis (250A); and a second chassis (250B) joined to the first chassis (250A) wherein the first chassis (250A) is identical to a shape of the second chassis (250B) and includes an empty portion (see, notation on attached fig. 1 prior art ref. of Kubota) and a non-empty portion (see, notation on attached prior ref. fig. 1 of Kubota), wherein the empty portion (see, notation on attached prior art ref. fig. 1 of Kubota) of the first chassis (250A) receives at least a portion of the non-empty portion (see, notation on attached fig. 1 prior art ref. of Kubota) of the second chassis (250A), but is silent as to specifically a computer chassis and wherein a rectangular volume of the joined first and second computer chassis is less than twice a rectangular volume of the first or second computer chassis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

As to the rectangular volume of the joined first and second computer chassis not being less than twice a rectangular volume of the first or second computer chassis, it would have been obvious to one having ordinary skill in the art to resize the chassis by making their dimensions smaller, whereby the rectangular volume of the joined first and second computer chassis is less than twice a rectangular volume of the first or second computer chassis.

Kubota teaches a rectangular volume of the joined first and second computer chassis, except being less than twice a rectangular volume of the first or second computer chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the dimensions of the first and second chassis smaller, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPA 237 (CCPA 1955).

With respect to claim 12, in regards to all the limitations of claim 8 above, Kobota teaches a fastener (4,5) for fastening the first chassis (250B) to the second chassis (250B), but is silent as to specifically a computer chassis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

2. Claims 9,10,13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota US 5666713, in view of Treiber et al. 20030011976 A1, further 20030011976 A1 in view of Sheehan US 6991097 B1.

With respect to claim 9, in regards to all the limitations of claim 8 above, Kubota teaches a first chassis (250A) and a second chassis (250B) joined by nesting the first chassis (250A) and the second chassis (250B), but is silent specifically as to a first and second computer chassis nested together in a single compartment and a pallout layout.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

Treiber et al. teaches a first chassis and a second chassis (100,100) in a single compartment (10), for providing a modular packaging configuration of a computer system (see, Abstract & notations on attached fig. 4 of Treiber et al.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the single compartment of Treiber et al., in the invention of Kubota, in order to provide a modular packaging configuration of a computer system (see, Abstract of Treiber et al.) (see also, notations on attached fig. 4 of Treiber et al.).

Sheehan teaches a pallet layout (22), for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pallout layout of Sheehan, in the invention of Kubota, in order to provide a means for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

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With respect to claim 10, in regards to all the limitations of claim 8 above, Kubota teaches a first chassis (250A) and second chassis (250B), but is silent specifically as to a single compartment and a pallet layout.

Treiber et al. teaches a single compartment (10) for a first and second chassis (100,100), for providing a modular packaging configuration of a computer system (see, Abstract & notations on attached fig. 4 of Treiber et al.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the single compartment of Treiber et al., in the invention of Kubota, in order to provide a modular packaging configuration of a computer system (see, Abstract & notations on attached fig. 4 of Treiber et al.).

Sheehan teaches a pallet layout (22), for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pallout layout of Sheehan, in the invention of Kubota, in order to provide a means for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

With respect to claim 13, in regards to all the limitations of claim 8 above, Kobota teaches a pair of joined first chassis (250A) and second chassis (250B), but is silent specifically as to a single compartment and a pallout layout and a first & second computer chassis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

Treiber et al. teaches a first and a second chassis (100,100) arranged in a single compartment (10), for providing a modular packaging configuration of a computer system (see, Abstract & notations on attached fig. 4 of Treiber et al.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the single compartment of Treiber et al., in the invention of Kubota, in order to provide a modular packaging configuration of a computer system (see, Abstract of Treiber et al.) (see also, notations on attached fig. 4 of Treiber et al.).

Sheehan teaches a pallet layout (22), for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pallet layout of Sheehan, in the invention of Kubota, in order to provide a means for holding electronic manufactures (see, col. 3, lines 48-50 of Sheehan).

Regarding the method claim 15, the method steps method comprising steps of: a first chassis (250A) and second chassis (250B) each formed into a shape wherein the shape includes an empty portion (see, notation on attached fig. 1 of Kubota) and a non-empty portion (see, notation on attached fig. 1 of Kubota); (b) the first chassis (250A) and second chassis (250B) joined so that the empty portion (see,

notation on attached fig. 1 of Kubota) of the first chassis (250A) receives at least a portion of the non-empty portion (see, notation on attached fig. 1 of Kubota) of the chassis (250B); and (c) the first and second chassis (250A, 250B) arranged in a single chassis (250A) compartment of a pallet layout (22) wherein a rectangular volume of the first chassis (250A) and second chassis (250B) is equal to twice a rectangular volume of a single chassis (10), but is silent specifically as to a computer chassis and wherein the rectangular volume of the first chassis (250A) and second chassis (250B) is than twice a rectangular volume of a single chassis (10)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota US 5666713, in view of Treiber et al. US 2003001976 A1, further in view of Sheehan 6991097 B1 & Murphy US 5159528.

Regarding the method claims 1-6, the method steps recited in the claims are necessitated by the device structure as taught by Kubota. Kubota disclosed a first chassis (250A) and second chassis (250B) formed wherein the shape of the first chassis (250A) is identical to a shape of the second chassis (250B) includes an empty portion (see, notation on attached fig. 1 of Kubota) and a non-empty portion (see, notation on attached fig. 1 of Kubota); and (b) joining the first chassis (250A) and second chassis (250B) so that the empty portion (see, notation on attached fig. 1 of Kubota) of the first chassis (250A) receives at least a portion of the non-empty portion (see, notation on attached fig. 1 of Kubota) of the second chassis (250B), wherein the first chassis (250A) and the second chassis (250B) are nested in a single

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compartment (10) of a pallet layout (22), wherein the joined first chassis (250A) and second chassis (250B) are joined in a single compartment (10) of a pallet layout (22) to increase shipping density of a pallet layout (22), and a number of pre-assembled components (30) in the non-empty portion (see, notation on attached fig. 1 of Kubota) of at least one of the first chassis (250A) and the second chassis (250B), wherein the first chassis (250A) to the second chassis (250B), wherein multiple pairs of the joined first chassis (250A) and second chassis (250B) in a single compartment (10) of a pallet layout (22) to increase shipping density of the pallet layout (22), but is silent specifically as to a computer chassis and wherein the a rectangular volume of the joined first and second computer chassis is less than twice a rectangular volume of the first or second computer chassis.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

With respect to claim 11, Kubota teaches, in regards to all the limitations of claim 8 above, a first chassis (250A) and second chassis (250B).

Kubota lacks a number of pre-assembled components assembled in the non-empty portion of at least one of a first computer chassis and second computer chassis.

Treiber et al. lacks a non-empty portion.

Sheehan lacks a non-empty portion.

Murphy teaches a number of pre-assembled components (30) assembled in the non-empty portion of at least a computer chassis (10), for providing a modular design that allows for more efficient manufacturing and handling (see, Abstract of Murphy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a number of pre-assembled components assembled in the non-empty portion of at least a second chassis as taught by Murphy, in the invention of Kubota, as modified by Treiber et al. & Sheehan, in order to provide a modular design that allows for more efficient manufacturing and handling (see, Abstract of Murphy).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a computer chassis or any type of chassis, over the chassis of Kubota, in order to provide an enclosure or housing for electronic equipment.

As to the rectangular volume of the joined first and second computer chassis not being less than twice a rectangular volume of the first or second computer chassis, it would have been obvious to one having ordinary skill in the art to resize the chassis by making their dimensions smaller, whereby the rectangular volume of the joined first and second computer chassis is less than twice a rectangular volume of the first or second computer chassis.

Kubota teaches a rectangular volume of the joined first and second computer chassis, except being less than twice a rectangular volume of the first or second computer chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the dimensions of the first and second chassis smaller, since such a modification would have involved a mere change in the size of a

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component. A change in size is generally recognized as being within the level of ordinary skill in the art.

In re Rose, 105 USPA 237 (CCPA 1955).

Response to Arguments

5. Applicant's arguments filed 8/2/06, have been fully considered, but are not persuasive.

With respect to Applicant's argument, Kubuto not teaching wherein the rectangular volume of the joined first and second chassis (250A,250B) is less than twice a rectangular volume of the first and second chassis (250A,250B), the Examiner agrees that the rectangular volume of the joined first and second chassis (250A,250B) is not less than twice a rectangular volume of the first and second chassis (250A,250B). Although, Kubuto teaches does not teach the aforementioned limitations, it would obvious to one having ordinary skill in the art to utilize smaller dimensions for the size of the first and second chassis (250A,250B), whereby the rectangular volume of the joined first and second chassis (250A,250B) is less than twice the rectangular volume of the first or second chassis (250A,250B), since Kubuto already teaches interlocking chassis configurations.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wong et al. US 5136468 shows the state of the general art regarding modular computer chassis.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

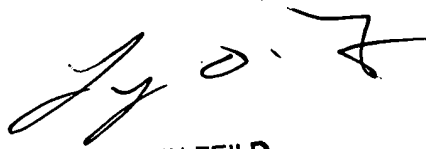
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on 21 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IDW


LYNN FEILD
SUPERVISOR PATENT EXAMINER